

**RULES
OF
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-1
GENERAL RULES GOVERNING VETERINARIANS**

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1730-1-.01 DEFINITIONS. As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) Advertisement - Information communicated to the public, in any manner, designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (2) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual{s}, radio, video, or television broadcasting or any other means designed to secure public attention.
- (3) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (4) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (5) Board - The Tennessee Board of Veterinary Medical Examiners.
- (6) Board Administrative Office - The office of the administrator assigned to the Tennessee Board of Veterinary Medical Examiners, located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.
- (7) Closed File - An administrative action which renders an incomplete or denied file inactive.
- (8) Conspicuous Place - A place easily viewable by the public.
- (9) Department - Tennessee Department of Health.

(Rule 1730-1-.01, continued)

- (10) “Discounted Fee” - A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a “discounted fee”.
- (11) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (12) He/she, Him/her - When “he/him” appears in the text of these rules, the word represents both the feminine and masculine genders.
- (13) House Call – A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client’s residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;
- (14) HRB - When the acronym “HRB” appears in the text of these rules, it represents Health Related Boards.
- (15) License - Document issued to an applicant who successfully completes the licensure process. The license takes the form of an “artistically designed” document as well as other versions bearing an expiration date.
- (16) Licensee - Any person who has been lawfully issued a license to practice veterinary medicine or as a veterinary medical technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced.
- (17) Premises - Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (18) Premises Owner - Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, who holds title to a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (19) Premises Permit - A permit issued by the board to operate a veterinary medicine facility when premises meet minimum standards established by the Board.
- (20) Public Rabies Vaccination Clinic - A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, pursuant to the local health department’s established ordinances and regulations.
- (21) Retail Establishment - Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.
- (22) Supervising Veterinarian - A person who is validly and currently licensed to practice veterinary medicine in the state, who shall be accountable to the board for the facility’s compliance with the laws and rules governing the practice of veterinary medicine in this state, and/or has direct responsibility for the direct supervision of a temporary licensee.
- (23) “Surgery” means:
 - (a) Aseptic Surgery - surgery performed in ways or by means sufficiently free from micro-organisms so that significant infection or suppuration does not occur.

(Rule 1730-1-.01, continued)

- (b) Major Surgery - any surgical intervention that penetrates and exposes the body cavity and/or any procedure associated with extensive transection or dissection of tissue.
- (24) Use of a title or description - To hold himself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other means of professional identification.
- (25) “Veterinary Facility” means:
 - (a) Animal Medical Center - A veterinary or animal medical center means a facility in which consultative, clinical and hospital services are rendered and in which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs;
 - (b) Clinics - A veterinary or animal clinic means a facility in which the practice conducted is essentially an out-patient type of practice;
 - (c) Hospital - A veterinary or animal hospital means a facility in which the practice conducted includes the confinement, as well as the treatment, of patients;
 - (d) Mobile Facility - A practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls. Regardless of mode of transportation, such practice shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;
 - (e) Office - A veterinary facility where a limited or consultative practice is conducted and which provides no facilities for the housing of patients; and any establishment either unincorporated or a corporation or other similar organization, public or private, for-profit or not-for-profit, where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (26) “Veterinary Practice” means:
 - (a) Large Animal Practice - a practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as “large animal” by the Board of Veterinary Medical Examiners.
 - (b) Small Animal Practice - a practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as “small animal” by the Board of Veterinary Medical Examiners.
 - (c) Mixed Animal Practice - a practice in which both large and small animals are seen/treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-101, 63-1-116, 63-12-103, 63-12-105, 63-12-106, 63-12-110, 63-12-112, 63-12-113, 63-12-121, 63-12-139, 63-12-404, and 68-8-103. **Administrative History:** Original rule filed November 22, 1978; effective January 8, 1979. Amendment filed August 21, 1984; effective September 20, 1984. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed October 18, 2004; effective January 1, 2005.

1730-1-.02 SCOPE OF PRACTICE.

- (1) The scope of practice of veterinary medicine means to diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions; including the

(Rule 1730-1-.02, continued)

prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for artificial insemination, for testing for pregnancy, or for correcting sterility or infertility or to render advice or recommendation with regard to any of the above.

- (2) The scope of practice of veterinary medicine includes, but is not to be limited to, surgery, obstetrics, dentistry, chiropractic, radiology, acupuncture, animal psychology, ultrasonography, fluoroscopy, embryo transfers, homeopathy, herbology, naturopathy and all other branches or specialties of veterinary medicine.
- (3) Prerequisites to Prescribing, Selling, Distributing or Dispensing Animal Drugs Required by Federal Law to be Prescribed or Ordered by a Licensed Veterinarian to Laypersons - In Person, Electronically, and Over the Internet
 - (a) For purposes of this Rule, “animal drugs required by federal law to be prescribed or ordered by a licensed veterinarian” are those drugs characterized by the Food and Drug Administration (FDA) pursuant to 21 C.F.R. 201.105 as drugs for which adequate directions for use cannot be prepared.
 - (b) Except as provided in subparagraphs (c), it shall be a prima facie violation of T.C.A. § 63-12-124 (a) (12), (13) and (28) for a veterinarian to prescribe, sell, distribute or dispense to a layperson any animal drug required by federal law to be prescribed or ordered by a licensed veterinarian whether in person or by electronic means or over the Internet or over telephone lines, unless the veterinarian, pursuant to appropriate protocols or veterinary orders, has first done and appropriately documented, for the animal, herd, or flock on whose behalf a prescription is to be issued or prescription drugs dispensed, all of the following:
 1. Performed an appropriate history and physical examination; and
 2. Made a diagnosis based upon the history, physical examination, and pertinent diagnostic and laboratory tests.
 3. Formulated a therapeutic plan, and discussed it with the animal’s owner/agent or guardian, along with the basis for it and the risks and benefits of various treatments options, a part of which might be a prescription drug; and
 4. Insured availability of the veterinarian or the veterinarian’s staff for appropriate follow-up care.
 - (c) Notwithstanding the provisions of subparagraph (b), a veterinarian, pursuant to appropriate protocols or veterinary orders, may prescribe or dispense drugs for an animal when such prescribing or dispensing is consistent with sound veterinary practice, examples of which are as follows:
 1. As part of an initial evaluation order; or
 2. For an animal/patient of another veterinarian for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or
 3. For continuation medications on a short-term basis prior to the veterinarian personally examining the animal, herd, or flock; or
 4. For medications administered by the owner of the animal, herd, or flock when the veterinarian has prescribed and/or dispensed in a manner consistent with this rule.

(Rule 1730-1-.02, continued)

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-102, 63-12-103, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed October 3, 2005; effective December 17, 2005.

1730-1-.03 NECESSITY OF LICENSURE. Prior to engaging in the practice of veterinary medicine in Tennessee, a person must hold a current Tennessee license or valid temporary license from the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-102, 63-12-106, 63-12-112, and 63-12-113. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995.

1730-1-.04 QUALIFICATIONS FOR LICENSURE. To be eligible for licensure as a veterinarian, an applicant must meet all of the following qualifications.

- (1) Veterinarian by Examination
 - (a) Be a graduate of a school or college of veterinary medicine approved by the Board.
 - (b) Pass the examination as provided in paragraph (1) of Rule 1730-1-.08.
 - (c) Prior to submitting an application for licensure, foreign graduates must also meet the requirements set by the American Veterinary Medical Association (ECFVG Certification).
- (2) Veterinarian by Reciprocity
 - (a) Be a graduate of a school or college of veterinary medicine approved by the Board.
 - (b) Hold a valid unrestricted license in another state, territory, or Canadian province for five (5) years;
 - (c) Has engaged in active veterinary practice for the previous five (5) years immediately preceding submission of the application. "Active veterinary practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. § 63-12-103(7) for an average of thirty (30) hours per week;
 - (d) Provides documentation of continuing education at least equal to that required by current Tennessee law and pursuant to Rule 1730-1-.12 for the previous five years;
 - (e) Has had no disciplinary action against his/her veterinary license in any other state, territory or Canadian province;
 - (f) Has not been convicted of a crime other than minor traffic violation;
 - (g) Has never had disciplinary action against his state or federal accreditation in any state.
- (3) Foreign Graduates. In addition to meeting the prerequisites outlined in Rule 1730-1-.04(1) or (2) graduates from a Foreign Veterinary Medical School must:
 - (a) Meet the requirements set by the AVMA (ECFVG certification or certification deemed by the Board to be equivalent to ECFVG); and
 - (b) Be a graduate of a veterinary school approved by AVMA or the Board; and
 - (c) Provide official copy of grades and curriculum, translated if not in English.

(Rule 1730-1-.04, continued)

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed November 2, 2005; effective January 16, 2006.

1730-1-.05 PROCEDURES FOR LICENSURE.

- (1) Veterinarian by Examination
 - (a) An applicant shall obtain an application from the Board's administrative office, and respond truthfully and completely to every question or request for information.
 - (b) Applications for licensure must be submitted to the Board's administrative office at least one hundred (100) days prior to the examination date.
 - (c) An applicant shall pay, at the time of application, the non-refundable application fee and the State Regulatory fee as provided in Rule 1730-1-.06.
 - (d) An applicant shall submit with his application two recent photographs, one signed and notarized.
 - (e) An applicant shall cause to be submitted directly to the Board's administrative office evidence of graduation from an approved school or college of veterinary medicine. Satisfactory evidence includes, but is not necessarily limited to the following:
 1. A notarized photocopy of DVM or VMD diploma; or
 2. Certified transcripts or other records from the school or college of veterinary medicine which clearly and accurately reflects that the applicant has graduated; or
 3. Original affidavit(s) of authorized officials of the school or college certifying, under oath, that the applicant has graduated; or
 4. Any other objective, independently verifiable evidence that the applicant has graduated from an approved school or college of veterinary medicine.
 - (f) Examination - Pursuant to Rule 1730-1-.08, an applicant shall pass the State Board Examination, the National Board Examination and either the National Board Examination and Clinical Competency Test or the North American Veterinary Licensing Examination. Whenever these exams have been taken in another jurisdiction, official scores shall be submitted to the Board's administrative office directly from the examination service.
 - (g) An applicant shall disclose the circumstances surrounding any of the following:
 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 2. The denial of licensure application by any other state or the discipline of the licensee in any state.
 3. Loss or restriction of certification, licensure privileges, state or federal accreditation.

(Rule 1730-1-.05, continued)

4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's, common, or case law.
- (h) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (i) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include notarized copies of birth certificates, naturalization papers, or current visa status.
- (j) Where necessary, all required documents shall be translated into English. Such translation and original document must be certified as to authenticity by the issuing source.
- (k) Application review and licensure decisions shall be governed by Rule 1730-1-.07.
- (l) If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
- (2) Veterinarian by Reciprocity. The Board may grant full licensure status by reciprocity to veterinarians licensed in another state. The process for obtaining reciprocity license is as follows:
 - (a) An applicant shall obtain an application form from the Board's administrative office, and respond truthfully and completely to every question or request for information.
 - (b) Applications for licensure will be accepted throughout the year and files which are completed on or before the 45th day prior to the board meeting will ordinarily be processed at the next board meeting scheduled for the purpose of reviewing files.
 - (c) An applicant shall pay, at the time of application, the non-refundable application, reciprocity, and State Regulatory fees as provided in Rule 1730-1-.06.
 - (d) An applicant shall submit with his application two recent photographs, one signed and notarized.
 - (e) An applicant shall cause to be submitted directly to the Board's administrative office satisfactory evidence of graduation from an approved school or college of veterinary medicine. Satisfactory evidence includes documents lists in Rule 1730-1-.05(l)(e).
 - (f) An applicant shall disclose the circumstances surrounding any of the following:
 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 2. The denial of licensure application by any other state or the discipline of the licensee in any state.
 3. Loss or restriction of certification or licensure privileges or state or federal accreditation.

(Rule 1730-1-.05, continued)

4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's, common, or case law.
- (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (h) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include notarized copies of birth certificates, naturalization papers, or current visa status.
- (i) Where necessary, all required documents shall be translated into English. Such translation and original document must be certified as to authenticity by the issuing source.
- (j) Application review and licensure decisions shall be governed by Rule 1730-1-.07.
- (k) If an applicant has ever held a license to practice veterinary medicine in any other state or Canada, the applicant shall submit the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
- (l) An applicant for licensure by reciprocity shall furnish an affidavit or other proof that he has engaged actively in the practice of veterinary medicine for the previous five (5) years before application is made for an average of at least thirty (30) hours per week.
- (m) Any person holding a reciprocity license is subject to all disciplinary provisions of the Tennessee Veterinary Medical Practice Act.
- (3) Foreign Graduates. In addition to completing the procedures outlined in Rule 1730-1-.04 (1) or (2) and (3), graduates from a Foreign Veterinary Medical School must:
 - (a) Cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check; and
 - (b) Meet the requirements set by the AVMA (ECFVG certification or certification deemed by the Board to be equivalent to ECFVG); and
 - (c) Be a graduate of a veterinary school approved by AVMA or the Board; and
 - (d) Provide official copy of grades and curriculum, translated if not in English. Such translation and original document must be certified as to authenticity by the issuing source shall be submitted.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed March 14, 2006; effective May 28, 2006.

1730-1-.06 FEES.

- (1) The fees are as follows:
- (a) Application Fee - A non-refundable fee to be paid by all applicants including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.
 - (b) Endorsement/Verification - Endorsement of licensure to state licensing boards and government agencies will be provided at no charge on behalf of the licensee. A non-refundable fee is to be paid for each verification of licensure to anyone other than a state licensing board or government agency.
 - (c) Late Renewal Fee - A non-refundable fee to be paid when an individual fails to timely renew a license.
 - (d) License Renewal Fee - A non-refundable fee to be paid by all licensees. This fee also applies to individuals who reactivate a retired or lapsed license.
 - (e) Reciprocity License Fee - A non-refundable fee to be paid at the time of application for licensure.
 - (f) Replacement License or Renewal Certificate Fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license or renewal certificate.
 - (g) State Regulatory Fee - To be paid by all individuals at the time of application and with all renewal applications.
 - (h) Temporary License Fee - A non-refundable fee to be paid each time an application for a temporary license is filed.
- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.

(3) Fee Schedule:	Amount
(a) Application	\$ 125.00
(b) Endorsement/Verification	20.00
(c) Late Renewal	80.00
(d) Renewal (biennial)	360.00
(e) Reciprocity License Fee	150.00
(f) Replacement License or Renewal Certificate Fee	25.00
(g) State Regulatory Fee (biennial)	10.00
(h) Temporary License	25.00

(Rule 1730-1-.06, continued)

- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-32-1011, 63-1-106, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, 63-12-121, and 63-23-123. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed December 18, 1995; effective March 1, 1996. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed March 14, 2006; effective May 28, 2006.

1730-1-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.

- (1) Applications for licensure will be accepted throughout the year.
- (2) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board's administrator, provided that final approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board, a deficiency letter will be sent to the applicant notifying him of the deficiency.
 - (a) Such notification shall be sent certified mail return receipt requested from the Board's administrative office.
 - (b) For an applicant who has completed the requirements for licensure, all documentation must be received in the Board's administrative office within 60 days after receipt of the deficiency notification. If the requested information is not received within 60 days, the file will be closed and the applicant notified.
 - (c) For an applicant who has not passed each of the required examinations (State Board Examination and either NBE and CCT or NAVLE), the file will remain open until the applicant has had the opportunity to take each examination three (3) times. At that time, the file will be closed and the applicant notified.
 - (d) After an applicant file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) Seventy (70) days prior to an examination the application with the required supporting documents and all fees must be received in the Board's administrative office.
- (5) The Board may at its discretion delay a decision on eligibility to take the examination for any applicant for whom the Board wishes additional information.
- (6) If a completed application has been denied and ratified as such by the Board, the action shall become final and the following shall occur:
 - (a) A notification of the denial shall be sent by the Board's administrative office by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all the specific or rule authorities for the denial.

(Rule 1730-1-.07, continued)

- (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (*T.C.A. §4-5-101, et. seq.*) to contest the denial and the procedure necessary to accomplish that action.
 - (c) An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.
 - (d) An applicant may be granted a contested case hearing if licensure denial is based on objective, clearly defined criteria. If after review and attempted resolution by the Board's administrative staff, the licensure application can not be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal, an appeal hearing may be requested. Such request must be made in writing to the Board within 30 days of the receipt of the notice of denial from the Board.
- (7) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination. If the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.
- (8) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.
- (9) Whenever requirements for licensure are not completed within 18 months from the date of the initial review of application and credentials, written notification will be mailed to the applicant and the application file will be closed. An applicant whose file has been closed shall subsequently be considered for licensure only upon the filing of a new application and payment of all appropriate fees.
- (10) Abandonment of Application
- (a) An application shall be deemed abandoned and closed if
 1. The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board; or
 2. An applicant fails to sit for a scheduled examination after being notified of eligibility,
 - (b) A determination of abandonment must be ratified by the Board.
 - (c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.
- (11) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or the Board Designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-1-142, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117. Administrative History:* Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000.

1730-1-.08 EXAMINATIONS.

- (1) An individual seeking licensure shall be required to pass the examination as stated in paragraph (2), or pass the examinations as stated in paragraphs (3) and (4).
- (2) North American Veterinary Licensing Examination
 - (a) This examination is developed by the National Board of Medical Examiners and is taken at Sylvan Prometric Learning Centers.
 - (b) Passing will be the criterion-referenced passing grade established by the National Board Examination Committee.
 - (c) The Board adopts the North American Veterinary Licensing Examination as its state and national examinations, pursuant to T.C.A. § 63-12-115.
- (3) National Board Examination
 - (a) The examination shall be the National Board Examination for Veterinary Medical Licensing ~ NBE I developed by Professional Examination Service under the direction of the National Board Examination Committee.
 - (b) Passing will be the criterion-referenced passing grade established by the National Board Examination Committee.
- (4) Clinical Competency Test
 - (a) The Clinical Competency Test shall be the Clinical Competency Test (CCT) developed by Professional Examination Service under the direction of the National Board Exam Committee.
 - (b) Passing will be the criterion-referenced passing grade established by the National Board Examination Committee.
- (5) Applicants for licensure who have a National Board Examination score and/or a Clinical Competency Test scores, that is more than five (5) years old, must pass the examination in paragraph (2) of this rule.
- (6) Official scores from the National Board Examination, Clinical Competency Test, or the North American veterinary Licensing Examination must be submitted to the Board's administrative office directly from the examination service whenever these exams are taken outside the board's jurisdiction.
- (7) All examination applications and fees for the North American Veterinary Licensing Examination shall be sent directly to the National Board of Veterinary Medical Examiners.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-112, 63-12-114, 63-12-115, 63-12-116, and 63-12-117.
Administrative History: Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed May 26, 2004; effective August 9, 2004.

1730-1-.09 RENEWAL OF LICENSE.

- (1) Renewal Application

(Rule 1730-1-.09, continued)

- (a) The due date for license renewal is the last day of the month of the license period pursuant to the Division's biennial renewal system.
 - (b) Methods of Renewal
 - 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 - 2. Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.
 - (c) To be eligible for renewal, an individual must have completed continuing education requirements provided in Rule 1730-1-.12 and submit to the Division of Health Related Boards on or before the expiration date all of the following:
 - 1. A completed Board renewal application form; and
 - 2. The renewal and state regulatory fees as provided in Rule 1730-1-.06.
 - (d) Anyone submitting a renewal form or letter which is found to be untrue may be subjecting himself to disciplinary action as provided in Rule 1730-1-.15.
 - (e) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed in accordance with rule 1200-10-1-.10.
- (2) Reinstatement of an Expired License
- (a) Reinstatement of a license that has expired may be accomplished upon meeting the following conditions:
 - 1. Payment of all past due renewal and state regulatory fees,
 - 2. Payment of the late renewal fee provided in Rule 1730-1-.06; and
 - 3. Compliance with continuing education requirement pursuant to Rule 1730-1-.12.
 - (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-12-105, 63-12-106, 63-12-107, 63-12-119, 63-12-120, 63-12-121, 63-12-122, 63-12-124, and 63-12-128. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 25, 2003; effective September 8, 2003.

1730-1-.10 SUPERVISION-DIRECT.

- (1) A Tennessee Licensed Veterinarian must supervise a veterinarian with a temporary license. This supervision must be in the same veterinary hospital, clinic, or outpatient office. In mixed or large animal practices where ambulatory services are performed, a licensed veterinarian must be available if consultation is necessary.

(Rule 1730-1-.10, continued)

- (2) No veterinary medical technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the direct supervision of a licensed veterinarian on premises, except that an employee of the veterinarian may be permitted to float teeth without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian.
 - (a) Floating will be defined as rasping or cutting the long projections or points from the cheek teeth of the equine.
 - (b) Prior to the performance of the employee's services, a veterinarian-client-patient relationship must exist.
 - (c) The employee must be a salaried or commissioned employee, and not a contract employee, to assure coverage by the veterinarian's liability insurance.
- (3) Willful or repeated violation of these rules makes the licensee subject to the disciplinary provisions of the T.C.A. §§63-12-124, 63-12-128, and 63-12-135.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-113, 63-12-124, 63-12-128, 63-12-119, 63-12-133, and 63-12-135. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000.

1730-1-.11 RETIREMENT AND REACTIVATION OF LICENSE.

- (1) Veterinarians who wish to retire their license must complete an Affidavit of Retirement form indicating one of the following:
 - (a) Permanent retirement of the license to practice veterinary medicine.
 - (b) Retirement of the Tennessee license to practice veterinary medicine in another state.
 - (c) Retirement of the Tennessee license to practice veterinary medicine in order to seek other types of employment.
- (2) When a licensee who has retired a Tennessee veterinary license to practice veterinary medicine in another state wishes to reactivate the Tennessee license, said licensee must show evidence of the following:
 - (a) Evidence of good standing where the retiree holds a license.
 - (b) Evidence of continuous practice during the period of retirement of the Tennessee license.
 - (c) Evidence of having completed continuing education courses equal to the number of hours required by the Board, during the period of time the Tennessee license was retired.
- (3) If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board shall require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-1-.06.
- (4) Veterinarians who have not engaged in continuous practice during the retirement of a license must appear before the Board for an oral examination and at that time show evidence of having completed continuing education equal to the number of hours required by the Board during the time the license was retired.

(Rule 1730-1-.11, continued)

- (5) Licensure reactivation application shall be treated as licensure applications. The Board's review and decisions required by this Rule shall be governed by Rule 1730-1-.07.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-120, and 63-12-121. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 2, 2005; effective January 16, 2006.

1730-1-.12 CONTINUING EDUCATION.

(1) Hours Required

- (a) Each licensee, in order to renew his license, must obtain twenty (20) hours of continuing education each calendar year. Fifteen (15) hours will be required in the area of practice of veterinary medicine as defined herein. Five (5) hours may pertain to a special interest in veterinary medicine in fields other than medical and surgical care of animals. These hours can include but not be limited to practice management, state and federal regulatory programs, autotutorial and approved correspondence courses.
- (b) The Board approves courses for only the number of hours contained in the course. The approved hours of any individual course will not be counted more than once in a calendar year toward the required hourly total regardless of the number of times the course is attended or completed by any individual licensee.

(2) Proof of Compliance

- (a) The due date for attendance and completion of the required continuing education hours is December 31 of each year. The hours must have been obtained in the preceding calendar year.
- (b) Each veterinarian must, on a Board provided form, attest to attendance and completion of the required continuing education hours and that such hours were obtained during the calendar years of report.
- (c) Each veterinarian must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.

(3) Course Approval

- (a) Scientific programs dealing with the practice of veterinary medicine provided by local, state, regional, national or international associations listed in the AVMA directory of Colleges of Veterinary Medicine will be accepted. Other accepted meetings will include but not be limited to those found in (f) of this section. For the purpose of this section "practice" is defined as the medical and surgical care of animals. Five hours special interest in veterinary medicine pertains to fields other than the medical and surgical care of animals. These hours can include but not be limited to practice management, state and federal regulatory programs, autotutorial and approved correspondence courses.
- (b) Timely completion of continuing education credits is solely the responsibility of the licensee. The licensee must be physically present at these continuing education meetings and will be required to attest, at the time of renewal, that the requirement has been met.

(Rule 1730-1-.12, continued)

- (c) Courses to be offered for credit toward the required continuing education hours must, unless otherwise provided, receive prior approval from the Board.
- (d) Prior approval of a course may be obtained by submitting the following information to the Board's administrative office at least thirty (30) days prior to the scheduled date of the course.
 - 1. A course description or outline.
 - 2. Names of all speakers and sponsors.
 - 3. Number of hours of educational credit requested.
 - 4. Date of course.
 - 5. How verification of attendance is to be documented.
- (e) Continuing education courses may be presented in any of the following formats:
 - 1. Lecture.
 - 2. Multi-Media - With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit.
 - (i) A maximum of eight (8) hours of the twenty (20) hour requirement may be granted for multi-media courses during each calendar year.
 - (ii) Multi-Media courses may include courses utilizing:
 - (I) The Internet
 - (II) Closed circuit television
 - (III) Satellite broadcasts
 - (IV) Correspondence courses
 - (V) Videotapes
 - (VI) CD-ROM
 - (VII) DVD
 - (VIII) Teleconferencing
 - (IX) Videoconferencing
 - (X) Distance learning
- (f) The following courses need not receive prior approval and shall constitute Board approved continuing education courses:
 - 1. Courses sponsored or approved by any of the following organizations:

(Rule 1730-1-.12, continued)

American Animal Hospital Association
American Association for Wildlife Veterinarians
American Association for Women Veterinarians
American Association of Avian Pathologists
American Association of Bovine Practitioners
American Association of Equine Practitioners
American Association of Sheep and Goat Practitioners
American Association of Swine Practitioners
American Association of Veterinary Clinicians
American Association of Veterinary Parasitologists
American College of Veterinary Toxicologists
American College of Laboratory Animal Medicine
American College of Poultry Veterinarians
American College of Theriogenologists
American College of Veterinary Internal Medicine
American Dairy Science Association
American Society of Animal Scientists
American Society for Veterinary Clinical Pathology
American Society of Veterinary Ophthalmology
American Veterinary Epidemiology Society

2. Educational courses sponsored by an accredited school of veterinary medicine. If such course is taken for or assigned quarter or semester credit hours, three (3) semester hours or equivalent quarter hours shall be equivalent to fifteen (15) continuing education hours. No credits will be counted for courses failed.

(4) Waiver or Extension of Continuing Education

- (a) The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.
- (b) Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
- (c) A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.

(5) Continuing Education for Reactivating of Retired License

- (a) Any veterinarian who applies for reactivation of a license which has been retired must attest to having completed Board approved continuing education credit equal to that required pursuant to Rule 1730-1.12.
- (b) The continuing education hours obtained as a prerequisite for licensure reactivation may not be counted toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.
- (c) The Board, upon receipt of a written request and explanation, may waive or condition any or all of the continuing education for reactivation of a retired license.

(6) Violations

(Rule 1730-1-.12, continued)

- (a) Any veterinarian who falsely attests to attendance and completion of the required hours of continuing education requirement may be subject to disciplinary action pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12), or (14).
- (b) Any veterinarian who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to T.C.A. §63-12-124(a)(1) and (12).
- (c) Education hours obtained as a result of compliance with the terms of an informal settlement or Board Orders in any disciplinary action shall not be counted toward the continuing education hours required to be obtained in any calendar year.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-120, 63-12-121, 63-12-122, and 63-12-124.

Administrative History: Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed July 28, 2003; effective October 11, 2003.

1730-1-.13 UNPROFESSIONAL CONDUCT. Unprofessional conduct shall include but not be limited to the following:

- (1) Failure to maintain a record for each companion animal which accurately reflects the veterinary problems and interventions.
- (2) Being under the influence of alcoholic beverages, or under the influence of illegal drugs which impair judgment while on duty in any animal health care facility, institution or other work place location.
- (3) Impersonating another licensed practitioner.
- (4) Practicing veterinary medicine in this state on an expired, retired, suspended, or revoked license or beyond the period of a valid temporary license.
- (5) Failing to supervise persons to whom veterinary functions are delegated or assigned.
- (6) Revealing without written permission knowledge obtained in a professional capacity about animals or owners. Exceptions:
 - (a) When said information is requested during a formal investigation by representatives of the State of Tennessee or
 - (b) other law enforcement agencies-, or when required to do so pursuant to any action in a court of law; or
 - (c) where required by law to report state or federal agencies.
- (7) Failing to cooperate with authorities investigating incompetent, unethical or illegal practice of another veterinarian or a veterinary medical technician,
- (8) Performing veterinary techniques or procedures without proper education.
- (9) Engaging in acts of dishonesty which relate to the practice of veterinary medicine.
- (10) Treating or professing to treat, or issuing any pharmaceutical to, any human.
- (11) Practice in a facility without a premises permit.

(Rule 1730-1-.13, continued)

- (12) Practicing veterinary medicine in a setting not specifically authorized or designated by T.C.A. §63-12-103 or rule 1730-1-.01.
- (13) Any violation of T.C.A. §63-12-124.
- (14) Violation of the provisions of the Non-Livestock Animal Humane Death Act codified at T.C.A. §§ 44-17-301, et seq. while performing euthanasia in a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals.
- (15) Violation of the provisions of Rule 1730-1-.23.

Authority: T.C.A. §§4-5-202, 4-5-204, 44-17-301 *et seq.*, 63-12-102, 63-12-103, 63-12-106, 63-12-112, 63-12-119, 63-12-124, 63-12-137, 63-12-139, 63-12-140, and 63-12-141. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed July 28, 2003; effective October 11, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed October 18, 2004; effective January 1, 2005.

1730-1-.14 TEMPORARY LICENSE.

- (1) Veterinarian by Examination.
 - (a) An applicant who is a graduate of a school or college of veterinary medicine that is approved by the board and who meets all the qualifications and requirements for a Tennessee veterinary license may also file an application for a temporary license.
 - (b) Unless the Board revokes the temporary license, the temporary license shall expire thirty (30) days after the date of the next scheduled examination.
 - (c) If a holder of a temporary license does not report, without prior notice in writing, to take the next scheduled examination, the temporary license expires on the date of the examination.
 - (d) If a holder of a temporary license fails the examination, he may file an application for another temporary license and pay the fee pursuant to Rule 1730-1-.06.
 - (e) No individual shall be issued more than three (3) temporary licenses under this section.
- (2) Veterinarian by Reciprocity.
 - (a) An applicant who is a licensed veterinarian according to the laws of another state and who meets all other qualifications for licensure may also file an application for a temporary license.
 - (b) The temporary license shall expire upon the Board's ruling on the application for licensure.
- (3) Foreign graduates.
 - (a) An applicant who is a graduate of a non-accredited or non-approved college of veterinary medicine and who satisfactorily completed the fourth (4th) year of clinical study at an accredited or approved college of veterinary medicine may also file an application for a temporary license.
 - (b) The veterinarian shall have passed the examinations as provided in Rule 1730-1-.08.

(Rule 1730-1-.14, continued)

- (c) The veterinarian shall be currently enrolled in the Educational Commission for Foreign Veterinary Graduates (ECFVG) program of the American Veterinary Medical Association or other certification program deemed by the Board to be equivalent to the ECFVG program.
 - (d) The temporary license is valid until the veterinarian obtains the ECFVG or equivalent certification.
 - (e) A temporary license issued pursuant to this section shall not be valid for more than a maximum of eighteen (18) months from the date the temporary license is issued.
- (4) The application for temporary license must be completed and signed by the supervising veterinarian in the presence of a notary. Information submitted must include the supervising veterinarian's name, Tennessee license number, facility name, address, and telephone number where the temporary license holder will be working.
 - (5) The Temporary License fee specified in Rule 1730-1-.06 must accompany the application for temporary license.
 - (6) The supervising veterinarian must attest that he will provide direct supervision of the temporary license holder. Direct supervision is defined in Rule 1730-1-.10.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-112, and 63-12-113. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed November 2, 2005; effective January 16, 2006.

1730-1-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.

- (1) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed.
- (2) Upon a finding by the Board that a veterinarian and/or premises owner has violated any provision of the Tennessee Veterinary Medical Practice Act (T.C.A. §§63-12-101, *et seq.*) or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:
 - (a) Advisory Censure - This is a written action issued to the veterinarian and/or premises owner for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) Formal censure or reprimand - This is a written action issued to a veterinarian and/or premises owner for one time and less severe violations. It is a formal disciplinary action.
 - (c) Probation - This is a formal disciplinary action which places a veterinarian and/or premises owner on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
 - (d) Licensure Suspension - This is a formal disciplinary action which suspends a licensee's right to practice and/or premises owner to operate for a fixed period of time. It contemplates the reentry of the individual into the practice under the licensure previously issued.
 - (e) Revocation for Cause. This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification or licensure

(Rule 1730-1-.15, continued)

previously issued. The Board, in its discretion, may allow reinstatement of a revoked certificate or license upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification or licensure from a person whose license was revoked shall be considered prior to the expiration of at least one year unless otherwise stated in the Board's revocation order.

- (f) Conditions - These include any action deemed appropriate by the Board to be required of an individual disciplined during any period of probation or suspension or as a prerequisite to the lifting of probation or suspension or the reinstatement of a revoked license.
- (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (5) of this rule.
- (h) When the Board suspends a license, the person may not practice veterinary medicine during the period of suspension and is also prohibited from doing the following:
 - 1. Direct assistance to another veterinarian in the veterinary treatment of any animal.
 - 2. Appear before animal owners in a laboratory coat, clinic smock or other garment which is customarily worn by practitioners when treating animal.
 - 3. Consultation with another practitioner concerning the treatment of the person's animal(s) in the presence of or within hearing of any animal owner; provided, however, that he may discuss with a subsequent treating practitioner, out of the presence or hearing of any animal owner, prior diagnosis or pre-existing treatment plan and such subsequent treating practitioner's proposed treatment plan. However, the fact or substance of such discussion shall not be communicated or conveyed to an animal owner personally, or by another treating practitioner who presents it to the owner, as that person's judgment, diagnosis, treatment plan, or other professional determination.
 - 4. Personal acceptance of payment for veterinary services directly from an animal owner in the reception area of the office, clinic, or animal hospital.
- (i) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee petitions, pursuant to paragraph (3) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.
- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.
 - (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:
 - 1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or

(Rule 1730-1-.15, continued)

2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a license previously revoked.

(b) Procedures

1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
 - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(Rule 1730-1-.15, continued)

(c) Form Petition

Petition for Order of Compliance
Board of Veterinary Medical Examiners

Petitioner's Name: _____
 Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
 Telephone Number: _____

Attorney for Petitioner: _____
 Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
 Telephone Number: _____

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a license previously revoked.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the __ day of _____, 20____.

 Petitioner's Signature

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.

(Rule 1730-1-.15, continued)

- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term “impossible” does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
 - 1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board’s Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
 - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
 - 2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
 - 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
 - 4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
 - 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(Rule 1730-1-.15, continued)

(c) Form Petition

Petition for Order Modification
Board of Veterinary Medical Examiners

Petitioner's Name: _____
 Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
 Telephone Number: _____

Attorney for Petitioner: _____
 Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
 Telephone Number: _____

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the __ day of _____, 20____.

 Petitioner's Signature

(5) Civil Penalties

(a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to Public Chapter 389, Acts of 1989.

(b) Schedule of Civil Penalties

1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed or certified by the Board is guilty of a willful and knowing

(Rule 1730-1-.15, continued)

violation of the Practice Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual client or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a veterinarian without a license from the Board.

2. A Type B civil penalty may be imposed whenever the Board finds the person required to be licensed by the Board is guilty of a violation of the Veterinary Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of clients or the public.
3. A Type C civil penalty may be imposed whenever the Board finds the person required to be licensed, permitted, or authorized by the Board is guilty of a violation of the Veterinary Practice Act or regulations promulgated thereto, which are neither directly detrimental to clients or the public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil Penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefits gained by the violator as a result of non-compliance; and,
 - (v) The interest of the public.

(Rule 1730-1-.15, continued)

4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.
- (6) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements pursuant to Rule 1045-2-.19 under which a complaint against an individual may be closed without any disciplinary action. Any matter proposed for informal settlement must be subsequently ratified by the full board before it will become effective. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
 - (a) Mandatory education program or course attendance;
 - (b) Submission of reports, records or other appropriate documentation;
 - (c) Conditioning of the individual's activities in any manner which affects his practice in Tennessee.
- (7) It is an offense to knowingly operate a veterinary facility in this state without a premise permit. A violation of this section is a Class B misdemeanor and each violation constitutes a separate offense.
- (8) It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person other than a veterinarian duly licensed in this state or a veterinary facility operated at all times under the direct medical supervision of a veterinarian duly licensed in this state.
 - (a) No person, corporation or other similar organization, public or private, for-profit or not-for-profit, other than a veterinarian duly licensed in this state, shall own or operate a veterinary facility within this state, except as follows:
 1. Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, shall apply for and receive a premises permit before the commencement of operations at the veterinary facility; and
 2. The owner of the veterinary facility shall not restrict or interfere with medically appropriate veterinary diagnostic or treatment decisions by the licensed veterinarians employed at the veterinary facility.
 - (b) The following are exempt from this section:
 1. A veterinarian employed by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);
 2. A veterinarian employed by an official agency of the federal or state government, or any subdivision thereof; and
 3. A veterinarian employed by any licensed research facility.
- (9) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§ 63-1-144 and 63-12-143.
- (10) Screening Panels - Any screening panel(s) established pursuant to T.C.A. § 63-1-138:
 - (a) Shall have concurrent authority with the Board and any individual appointed by the Board pursuant to Rule 1730-1-.19, to do the acts enumerated in Rule 1730-1-.19 (1) (b) 1. and 2. subject to the conditions contained therein.

(Rule 1730-1-.15, continued)

1. A Screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.
 2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.
- (b) After completion of an investigation by the Division, may upon request of either the state, or the licensee who is the subject of an investigation with the agreement of the state, or upon request of both the licensee and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.
 - (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
 - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.
 2. Neither the state nor a licensee who is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
 3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
 - (i) Approved by a majority of the members of the screening panel which issued them; and
 - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the licensee; and
 - (iii) Subsequently presented to and ratified by the Board.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-217, 4-5-223, 63-1-122, 63-1-138, 63-1-144, 63-12-105, 63-12-106, 63-12-121, 63-12-122, 63-12-124, 63-12-125, 63-12-128, 63-12-129, and 63-12-143. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004.

1730-1-.16 LICENSE.

- (1) Issuance - Upon the Board determining that an applicant for licensure has successfully met all the requirements as set forth in T.C.A. §§ 63-12-101, et seq., and these rules, the Board shall issue the applicant a license to practice veterinary medicine in this state.

(Rule 1730-1-.16, continued)

- (2) Display of License - Every person licensed by the Board in this state shall display his license and renewal certificate in a conspicuous place in his principal office and, whenever required, exhibit such license to the Board or its authorized representative.
- (3) Replacement License or Renewal Certificate - A license holder, whose license or renewal certificate has been lost or destroyed, may be issued a replacement document upon receipt of a written request in the Board's administrative office.
- (4) Verification - Requests for verification of licensure must be made in writing to the Board's administrative office.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, and 63-12-123. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995.

1730-1-.17 CHANGE OF NAME AND/OR ADDRESS.

- (1) Change of Name - An individual registered with the Board shall notify the Board in writing within 30 days of a name change. The notice shall provide both the old and new names and must reference the individual's profession, and license number.
- (2) Change of Address - Each person holding a license who has had a change of address shall file in writing with the Board his current mailing address, giving both old and new addresses. Such requests should be received in the Board's administrative office no later than 30 days after such change has occurred and must reference the individual's name, profession, and license number.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, and 63-1-108. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995.

1730-1-.18 MANDATORY RELEASE OF CLIENT RECORDS.

- (1) Upon request from a client or the client's authorized representative, the veterinarian shall provide a complete copy of the patient's records or summary of such records which were maintained by the veterinarian.
- (2) It shall be the veterinarian's option as to whether copies of the records or a summary will be given to the client.
- (3) Requests for records shall be honored by the veterinarian in a timely manner.
- (4) The individual requesting the records shall be responsible for payment of a reasonable fee to the veterinarian for copying and mailing of the records.
- (5) Radiographs are considered to be a part of the client's records.
- (6) A client's records shall not be used to fill a prescription or to have a prescription dispensed.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-12-103, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed May 26, 2004; effective August 9, 2004.

1730-1-.19 BOARD CONSULTANTS, RECORDS AND COMPLAINTS, AND DECLARATORY ORDERS.

- (1) Board Consultants are appointed by the Board and vested with the authority to do the following acts:

(Rule 1730-1-.19, continued)

- (a) Review and make determinations on licensure, registration, exemption, renewal, and reactivation of licensure applications subject to the rules governing those respective applications.
- (b) Serve as Consultant to the Division to decide the following:
 - 1. Whether and what type disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.
 - 2. Whether and under what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the full Board before it will become effective.
 - 3. Make determinations, subject to subsequent ratification by the full Board, on petitions for stay of Board Orders pursuant to Rule 1730-1-.15.
 - 4. Undertake any other matters authorized by a majority vote of the Board.
- (2) All requests, applications, notices, complaints, other communications and correspondence shall be directed to the Board's administrative office. Any requests or inquiries requiring a Board decision or official Board action except documents relating to disciplinary actions, declaratory orders or hearing requests must be received fourteen (14) days prior to a scheduled Board meeting and will be retained in the administrative office and presented to the Board at the Board meeting. Such documents not timely received shall be set over to the next Board meeting.
- (3) Records and Complaints
 - (a) Minutes of the board meetings and all records, documents, applications, and correspondence will be maintained in the Board's administrative office.
 - (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Board's administrative office.
 - (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
 - (d) Complaints made against a licensee become public information only upon the filing of a notice of charges by the Department of Health.
- (4) Requests for Verification of Licensure must be made in writing to the Board's administrative office.
- (5) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-223, 4-5-224, 4-5-316, 4-5-317, 63-1-106, 63-1-124, 63-12-104, 63-12-105, 63-12-106, 63-12-107, 63-12-110, 63-12-117, and 63-12-118(b). **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed October 27, 1999; effective January 10, 2000. Amendment filed August 24, 2000; effective November 7, 2000.

1730-1-.20 ADVERTISING.

- (1) Policy Statement. The lack of sophistication on the part of many of the public concerning veterinary services, the importance of the interests affected by the choice of a veterinarian and the foreseeable consequences of unrestricted advertising by veterinarians which is recognized to pose special possibilities for deception, require that special care be taken by veterinarians to avoid misleading the public. The veterinarian must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by veterinarians is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.
- (2) Definitions
 - (a) Advertisement. Informational communicated to the public, in any manner designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
 - (b) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
 - (c) "Discounted Fee" - Shall mean a fee offered or charged by a person or organization for any veterinary product or service that is less than the fee the person or organization usually offers or charges for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a "discounted fee."
 - (d) Licensee - Any person that has been lawfully issued a license to practice veterinary medicine or as a veterinary medical technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced in the State of Tennessee.
 - (e) Material Fact - Any fact which an ordinary reasonable and prudent person would need to know or rely upon in making an informed decision to choose a veterinarian or veterinarian facility to serve his or her particular needs.
- (3) Advertising Veterinary Fees and Services
 - (a) Fixed Fees may be advertised for any service. It is presumed unless otherwise stated in the advertisement that a fixed fee for a service shall include the cost of all professional recognized components within generally accepted standards that are required to complete the service.
 - (b) Range of Fees. A range of fees may be advertised for services and the advertisement must disclose the factors used in determining the actual fee, necessary to prevent deception of the public.
 - (c) Discount fees may be advertised if.
 1. The discount fee is in fact lower than the licensee's customary or usual fee charged for the service; and
 2. The licensee provides the same quality and components of service and material at the discounted fee that are normally provided at the regular non-discounted fee for that service.

(Rule 1730-1-.20, continued)

- (d) **Related Services and Additional Fees.** Related services which may be required in conjunction with the advertised services for which additional fees will be charged must be identified as such in any advertisement.
 - (c) **Time Period of Advertised Fees.**
 - 1. Advertised fees shall be honored for those seeking the advertised services during the entire time period stated in the advertisement whether or not the services are actually rendered or completed within that time.
 - 2. If no time period is stated in the advertisement of fees, the advertised fee shall be honored for thirty (30) days from the last date of publication or until the next scheduled publication whichever is later whether or not the services are actually rendered or completed within that time.
- (4) **Advertising Content.** The following acts or omissions in the context of advertisement by any licensee shall constitute unethical and unprofessional conduct, and subject the licensee to disciplinary action pursuant to T.C.A. §63-12- 124(a)(10).
 - (a) Claims that the services performed, personnel employed, materials or office equipment used are professionally superior to that which is ordinarily performed, employed, or used, or that convey the message that one licensee is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.
 - (b) The misleading use of an unearned or non-health degree in any advertisement.
 - (c) Promotion of professional services which the licensee knows or should know is beyond the licensee's ability to perform.
 - (d) Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective client.
 - (c) Any appeals to an individual's anxiety in an excessive or unfair manner.
 - (f) The use of any personal testimonial attesting to a quality of competency of a service or treatment offered by a licensee that is not reasonably verifiable.
 - (g) Utilization of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results that the licensee can achieve.
 - (h) The communication of personal identifiable facts, data, or information about a patient without first obtaining patient consent.
 - (i) Any misrepresentation of a material fact.
 - (j) The knowing suppression, omission or concealment of any materials fact or law without which the advertisement would be deceptive or misleading.
 - (k) Statements concerning the benefits or other attributes of veterinary procedures or products that involve significant risks without including:
 - 1. A realistic assessment of the safety and efficiency of those procedures or products; and

(Rule 1730-1-.20, continued)

2. The availability of alternatives; and
 3. Where necessary to avoid deception, descriptions or assessment of the benefits or other attributes of those alternatives.
- (l) Any communication which creates an unjustified expectation concerning the potential results of any veterinary treatment.
 - (m) Failure to comply with the rules governing advertisement of veterinary fees and services, or advertising records.
 - (n) The use of “bait and switch” advertisements. Where the circumstances indicate “bait and switch” advertising, the Board may require the licensee to furnish data or other evidence pertaining to those sales at the advertised fee as well as other sales.
 - (o) Misrepresentation of a licensee’s credentials, training, experience, or ability.
 - (p) Failure to include the corporation, partnership or individual licensee’s name, address, and telephone number in any advertisement. Any veterinary corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all licensees practicing at a particular location shall:
 1. Upon request provide a list of all licensees at that location; and
 2. Maintain and conspicuously display at the licensee’s office, a directory listing all licensees practicing at that location.
 - (q) Failure to disclose the fact of giving compensation or anything of value to representative of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement (for example, newspaper article) unless the nature, format or medium of such advertisement make the fact of compensation apparent.
 - (r) After thirty (30) days of the licensee’s departure, the use of the name of any licensee formerly practicing at or associated with any advertised location or on office signs or buildings. {This rule shall not apply in the case of a retired or deceased former associate who practiced veterinary medicine in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.}
 - (s) Stating or implying that a certain licensee provides all services when any such services are performed by another licensee.
 - (t) Directly or indirectly offering, giving, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a animal in connection with the performance of professional services.
- (5) Advertising Records and Responsibility
 - (a) Each licensee who is a principal partner, or officer of a firm or entity identified in any advertisement, is jointly and severally responsible for the form and content of any advertisement. This provision shall also include any licensed professional employees acting as an agent of such firm or entity.
 - (b) Any and all advertisement are presumed to have been approved by the licensee named therein.

(Rule 1730-1-.20, continued)

- (c) A recording of every advertisement communicated by electronic media, and a copy of every advertisement communicated by print media, and a copy of any other form of advertisement shall be retained by the licensee for a period of two (2) years from the last date of broadcast or publication and be made available for review upon request by the Board or its designee.
- (d) At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.
- (6) Severability. It is hereby declared that the sections, clauses, sentences and part of these rules are severable, are not matters of mutual essential inducement, and any of them shall be rescinded if these rules would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one or more instance shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-116, 63-12-106, 63-12-107, 63-12-112, and 63-12-124.

Administrative History: Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999.

1730-1-.21 PRESCRIBING, DISPENSING, OR OTHERWISE DISTRIBUTING PHARMACEUTICALS.

- (1) Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:
 - (a) All Federal Regulations for the dispensing of controlled substances.
 - (b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:
 - 1. Animal's name and the name of the animal's owner
 - 2. Date dispensed
 - 3. Complete directions for usage
 - 4. The facility's name, address and phone number
 - 5. The name, strength, and amount of the medication
 - 6. The statement: "For veterinary use only"
 - 7. The dispensing veterinarian's name
 - (c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.
- (2) Distribution of Veterinary Prescription Drugs.

(Rule 1730-1-.21, continued)

- (a) Distribution of veterinary prescription drugs to laymen may occur only on the prescription or other order of a licensed veterinarian. The prescriptions must be issued in the course of his or her professional practice, with a veterinarian-client-patient relationship existing.
- (b) A proper veterinarian-client-patient relationship is defined as existing when:
 - 1. The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and the client (owner or other caretaker) has agreed to follow the instructions of the veterinarian; and when
 - 2. There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) is (are) kept; and when
 - 3. The practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-116, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999.

1730-1-.22 RECORDKEEPING.

- (1) The following minimum standards apply to all patient recordkeeping.
 - (a) Records shall be maintained for a minimum of three (3) years.
 - (b) A separate log shall be maintained for all controlled substances.
 - (c) Records shall reflect referral of cases where further expertise or equipment is needed.
 - (d) A veterinarian shall comply in a reasonable manner under the circumstances to any requests for veterinary records or summaries thereof, within the provisions of the Tennessee Veterinary Practice Act.
 - (e) Any record containing information required by this rule shall be considered a medical record.
- (2) Medical records for small animal facilities/practices shall be clear, legible, retrievable and contain pertinent information such as:
 - (a) Name, address, and phone number of the owner/agent.
 - (b) Identification of patient including name, species, breed, age, sex, and description.
 - (c) Separate record for each patient. This record may be in a group of records for the owner/agent.
 - (d) Patient's vaccination, medical and surgical history and procedures.
- (3) Medical records for large animal facilities/practices shall be clear, legible, retrievable, are maintained on either a herd (flock) or individual basis and contain:
 - (a) Name and initials, business/farm name, address, and phone number of the owner/agent.

(Rule 1730-1-.22, continued)

- (b) Identification of any animals suspected of having a reportable disease or other disease with public health implications.
- (c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.
- (d) A record of all drugs administered or dispensed, including quantity and withdrawal times.
- (4) For the purpose of these rules, the records shall be “owned” by the facility.
- (5) Radiographs are considered to be a part of the client’s records.
- (6) A client’s records shall not be used to fill a prescription or to have a prescription dispensed.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-12-105, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004.

1730-1-.23 EUTHANASIA IN C.A.C.A.S AND FACILITIES GOVERNED BY THE NON-LIVESTOCK ANIMAL HUMANE DEATH ACT (T.C.A. §§ 44-17-301, ET SEQ.). The only drugs approved by the Board for the euthanasia of animals by a licensed veterinarian who performs euthanasia in a certified animal control agency or in a facility governed by the provisions of the Non-Livestock Animal Humane Death Act codified at T.C.A. §§ 44-17-301, et seq., shall be sodium pentobarbital and all commercially available F.D.A. approved euthanasia agents containing sodium pentobarbital.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 44-17-301, *et seq.*, 63-12-106, and 63-12-141. **Administrative History:** Original rule filed July 28, 2003; effective October 11, 2003.

1730-1-.24 CONSUMER RIGHT-TO-KNOW REQUIREMENTS.

- (1) Malpractice Reporting Requirements - The threshold amount below which medical malpractice judgments, awards or settlements in which payments are awarded to complaining parties need not be reported pursuant to the “Health Care Consumer Right-To-Know Act of 1998” shall be set by statute, as provided in T.C.A. § 63-51-105.
- (2) Criminal Conviction Reporting Requirements - For purposes of the “Health Care Consumer Right-To-Know Act of 1998,” the following criminal convictions must be reported:
 - (a) Conviction of any felony; and
 - (b) Conviction or adjudication of guilt of any misdemeanor, regardless of its classification, in which any element of the misdemeanor involves any one (1) or more of the following:
 - 1. Sex.
 - 2. Alcohol or drugs.
 - 3. Physical injury or threat of injury to any person or any animal.
 - 4. Abuse or neglect of any minor, spouse or the elderly, or abuse of any animal.
 - 5. Fraud or theft.

(Rule 1730-1-.24, continued)

- (c) If any misdemeanor conviction reported under this rule is ordered expunged, a copy of the order of expungement signed by the judge must be submitted to the Department before the conviction will be expunged from any profile.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-12-106, and 63-51-101 et seq. **Administrative History:** Original rule filed June 24, 2004; effective September 7, 2004.